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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,666	01/30/2004	Sebald Kolb	AGFA 268-KFM MU 03005-US	8397
10037	7590	02/01/2007	EXAMINER	
MILDE & HOFFBERG, LLP 10 BANK STREET SUITE 460 WHITE PLAINS, NY 10606			WASHINGTON, JAMARES	
			ART UNIT	PAPER NUMBER
			2609	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/768,666

Applicant(s)

KOLB ET AL.

Examiner

Jamares Washington

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date see attached.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the output connection to the Internet from the "mini-lab" as described in the specification at paragraph [28]. It is clear from reading the specification and analyzing the drawing that the box labeled "14" should reference the output to the Internet. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Drawing suggestion:

Figure 1 should be broken up into approximately 6 figures. Figure 1 should illustrate the overall system and its interconnectivity with the appropriate labels and reference numbers.

Figure 1 would be acceptable if labels were provided. Figures 2-5 could illustrate, in more detail, the different stages that the image data has to travel and explain how it is broken up and reassembled according to optional and mandatory processing steps; with concentrations directed towards the "invention" which is the image processing device labeled "15" in figure 1. Lastly, figure 6 could be a flow chart explaining the above figures for more clarification.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

The numeral "14" was not mentioned in the specification as an output device. It is clear that this box refers to the Internet.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3, 4, 6, 8-11, and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Hans Peter Murbach (US 6813047 B1).

Regarding claim 1, Murbach discloses a method for the automatic production of prints from digital photographic image data (“...a digital image processing system for the manufacture of prints...” at column 2 line 17), comprising the steps of:

Art Unit: 2609

storing incoming image data by order, together with order data for use in processing in a processing sequence (“...the image data...(is) temporarily stored together with the accompanying data in a data storage...whereby the control device manages the stored data...according to the order” at column 2 line 34);

processing the image data by order based on the processing sequence (“The control device...administers and controls the data flow between these devices and the data storage order oriented and in accordance with the accompanying data associated with the image data” at column 4 line 25.); wherein the processing sequence includes mandatory processing steps that image data from all orders must pass through and may include optional processing steps that image data from specific orders must pass through (“Accompanying data are understood here and in the following to be order-specific data (for example, order number,..., “possible” corrections, etc).” at column 4 line 5);

and producing prints from the processed image data (“Alternatively, the output device 200 can also be realized in the form of a colour printer...whereby the output medium is then a paper or other substrate suited for this purpose” at column 4 line 21.);

the improvement wherein the processing sequence of the orders is altered for subsequent processing steps if the image data of an order are required to pass through an optional processing step (“...administers and controls the data flow in accordance with the accompanying data associated with the image data” at column 4 line 29).

Regarding claim 3, Murbach discloses the method as rejected in claim 1 above wherein optional processing steps are performed independently of the progression of other processing steps (“The raw image data of several or all pictures...are analyzed in the analysis step 620 for

Art Unit: 2609

the characteristics of the film material used and the characteristics of the image content..." at column 11 line 47).

Regarding claim 4, Murbach discloses the method as rejected in claim 1 above wherein orders are completely stored between processing steps ("The data so processed are then temporarily stored as image data in the memory 300..." at column 5 line 33).

Regarding claim 6, Murbach discloses the method as rejected in claim 1 wherein an optional processing step comprises of manual processing on an operator's screen ("...the input device 100 can be...a console or input station for the input of order-specific accompanying data" at column 3 line 67).

Regarding claim 8, Murbach discloses the method as rejected in claim 1, further comprising the steps of creating reduced supplemental data sets for processing of image data and processing parameters from said supplemental data sets ("The scanning devices produce from each scanned picture a set of raw image data...These raw image data are fed to the image data processing device and processed thereby for the output thereof to digital exposure devices, whereby eventually necessary exposure corrections are simultaneously detected and considered" at column 5 line 25).

Regarding claim 9, Murbach discloses the method as rejected in claim 1, further comprising the step of providing, as a mandatory processing step, an end processing step in which the image-processing parameters are applied to the entire data set in order to create image data for the prints ("The image data so corrected are finally processed one image at a time in a size adjustment step 650 together with the image resolution data determined in the detection step

630, whereby the three dimensional resolution of the data is newly calculated...” at column 12 line 4).

Regarding claim 10, Murbach discloses the method as rejected in claim 1, further comprising the step of displaying the altered processing sequence on the operator’s screen (“The preparation station can further include an input console for the entry of order specific accompanying data...” at column 5 line 13).

Regarding claim 11, Murbach discloses the method as rejected in claim 1, further comprising the step of manually selecting the processing sequence for all processing steps (“The preparation station can further include an input console for the entry of order specific accompanying data...” at column 5 line 13).

Regarding claim 13, Murbach discloses an apparatus as described in claim 1 rejection above wherein the image-processing device includes several image-processing stations for the processing of at least one order (“...several mini labs 1000 can also be served by one or more work stations 2000...” at column 8 line 20), along with buffer storage between image processing stations in which at least two orders may be completely stored (Each mini lab has its own memory storage “Numeral 300 Fig. 2”. Two separate orders sent from a workstation “Numeral 2000 Fig. 6” to two separate mini labs would constitute two orders being completely stored by the system as a whole and processed according to the accompanying data), said apparatus further comprising a control device (control device 400, Fig. 2), connected with the image-processing stations, for altering the sequence of the orders being processed as rejected in claim 1 above.

Regarding claim 14, Murbach discloses the apparatus as rejected in claim 13 wherein the control device is connected with the input buffer so that the processing sequence may be

manually selected ("The electronic control 1500 includes or implements the image data memory 300, the control device 400...or the functions of those components and cooperates with a keyboard 1501 and a monitor 1502 as user interface" at column 7 line 60). The mini lab carries out the method as rejected in claims 1-10 above. Manual selection of processing sequence is described above in claim 6 rejection.

Regarding claim 15, Murbach discloses the apparatus as rejected in claim 13, wherein the image-processing device includes at least two processors ("...several mini labs 1000 can also be served by one..." at column 8 line 21). Two mini labs served by one workstation would constitute a photo print manufacturing system comprised of two processors; one for each mini lab.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hans Peter Murbach (US 6813047 B1) and Oded Zingher et al (US 5930468 A).

Regarding claim 2, Murbach teaches the method as rejected in claim 1 above. However, Murbach fails to teach the method wherein the processing sequence is altered in dependence upon the capacity of subsequent processing steps.

Zingher et al teaches the method in the same field of endeavor of production of prints (“...provide a method for use in the production of printing products...” at column 2 line 64) in which the processing sequence is altered in dependence upon the capacity of subsequent processing steps (“...in order to determine the sequence in which the individual print jobs are carried out one after another, the image contents belonging to the individual print jobs are compared with one another in pairs and...the changes which are respectively necessary to carry out a subsequent print job with a new image content are determined with respect to a previous print job” at column 3 line 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Zingher et al into the apparatus/method as taught by Murbach to alter the processing sequence depending on capacity of subsequent processing steps to provide for more efficiency and economical usage (“It is a general object of the present invention to provide a method for use in the production of printing products which is more efficient and economical...” at column 2 line 64) of the apparatus of Murbach.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Murbach (US 6813047 B1) and Gregory Bryniarski et al (US 6104468).

Regarding claim 5, Murbach teaches the method as rejected in claim 1 above. However, Murbach does not expressly teach the method wherein optional and mandatory processing steps are performed in parallel.

Bryniarski et al teaches the method in the same field of endeavor of digital photograph production wherein processing steps are performed in parallel (“...each of the image processors 174, 176, 182 are separate physical devices. Each one of the image processors 174, 178, 182 may...be one or more general purpose digital microprocessors operating in parallel and suitably programmed to execute the functions required by each...such as image enhancement or correction, and/or formatting for any particular output device” at column 5 line 56, Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the multi-processor design of Bryniarski as the photo processing means of Murbach to efficiently increase workflow of the apparatus.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Murbach (US 6813047 B1) and Knut Oberhardt et al (US 20030044178 A1).

Regarding claim 7, Murbach teaches the method as rejected in claim 1 above. However, Murbach fails to teach one of the optional processing steps comprising automatic recognition of the red-eye effect.

Oberhardt et al teaches a method in the same field of endeavor of processing photographic image data (“where the analysis of the image data is carried out in a time frame that is suitable for automatic photographic developing and printing machines” at paragraph [8]) where the automatic detection of red-eye defects in photographic image data is utilized as an optional processing step (“If the pre-analysis has determined that the red-eye exclusion value is very low, it can be assumed that no red-eye defects can be present in the image. The other image processing methods such as sharpening or contrast editing will be started without carrying out a red-eye detection process...” at paragraph [26]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for automatic red-eye recognition to be an optional processing step because red-eye is a common occurrence when using flash photography on human or animal subjects and the automatic recognition would save processing and computing time because the red-eye correction process will not have to be implemented on photographs not needing the correction.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Murbach (US 6813047 B1) and Masaru Hoshino et al (US 6774980 B2).

Regarding claim 12, Murbach discloses the method as rejected in claim 10. However, Murbach fails to teach a step of manually selecting the processing sequence for individual processing steps.

Hoshino et al teaches, in the same field of endeavor of photographic image printing, manually selecting the processing sequence for individual processing steps (“...the present invention provides a photographic image print system comprising: ...means for displaying, on

Art Unit: 2609

the display section, a processing selection screen on which a plurality of processing selection buttons are displayed; means for selecting processing by pressing of a processing selection button on the input section..." at column 2 line 50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the process selection method taught by Hoshino et al into the method and apparatus of Murbach to enable one to select the processing of the image data manually beforehand and "eliminate the necessity for repetition of identical processing when identical operation is continuously performed" [at column 2 line 63].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamares Washington whose telephone number is (571) 270-1585. The examiner can normally be reached on Monday thru Friday: 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Werner can be reached on (571) 272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 2609

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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